

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

D12226
C/hu

_____AD3d_____

A. GAIL PRUDENTI, P.J.
ANITA R. FLORIO
HOWARD MILLER
ROBERT W. SCHMIDT, JJ.

1990-00697

DECISION & ORDER

The People, etc., respondent,
v Donovan Miller, appellant.

(Ind. No. 8735/88)

Donovan Miller, Woodbourne, N.Y., appellant pro se.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Anne C. Feigus of counsel), for respondent.

Application by the appellant for a writ of error coram nobis to vacate, on the ground of ineffective assistance of appellate counsel, a decision and order of this court dated September 13, 1993 (*People v Miller*, 196 AD2d 834), affirming a judgment of the Supreme Court, Kings County, rendered April 16, 1990.

ORDERED that the application is denied.

The appellant has failed to establish that he was denied the effective assistance of appellate counsel (*see Jones v Barnes*, 463 US 745; *People v Stultz*, 2 NY3d 277).

PRUDENTI, P.J., FLORIO, MILLER and SCHMIDT, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

October 17, 2006

PEOPLE v MILLER, DONOVAN